

**REMARKS/ARGUMENTS**

In view of the foregoing amendments and the following remarks, the applicants respectfully submit that the pending claims comply with 35 U.S.C. § 112, comply with 35 U.S.C. § 101, are not anticipated under 35 U.S.C. § 102. Accordingly, it is believed that this application is in condition for allowance. **If, however, the Examiner believes that there are any unresolved issues, or believes that some or all of the claims are not in condition for allowance, the applicants respectfully request that the Examiner contact the undersigned to schedule a telephone Examiner Interview before any further actions on the merits.**

The applicants will now address each of the issues raised in the outstanding Office Action.

**Objections**

The drawings are objected to as failing to comply with 37 C.F.R. § 1.84(p)(5) because the logical connection between reference characters within the flowchart of Figure 10 is not clear. The applicants respectfully request that the Examiner reconsider and withdraw this objection in view of the following.

The specification has been amended to include a missing reference character shown in the drawings, and also to clarify the logical connection between reference characters within the flowchart of Figure 10. No new matter has been added. Thus, the drawings comply with 37

C.F.R. § 1.84(p)(5). The applicants respectfully request that the Examiner withdraw this objection.

**Rejections under 35 U.S.C. § 101**

Claims 1-28 stand rejected under 35 U.S.C. § 101 because the claimed invention is purportedly directed to non-statutory subject matter. The applicants respectfully request that the Examiner reconsider and withdraw this ground of rejection in view of the following.

The Examiner contends that the claims do not provide a useful, concrete and tangible result. Specifically, the Examiner states that these claims omit (1) "an operational procedure to display results to an end user", (2) a "concrete limitation as to whether a comparison is actually generated", and (3) "an operational procedure for the alternative limitation "if" it is not determined that an ad does not have a geolocation price information." (See Paper No. 20070521, page 7.)

Independent claims 1 and 15 have been amended to recite an act of (or means for) controlling the serving of the ad, for rendering on a client device, using a determined relevancy of the ad. Independent claims 11, 13, 25 and 27 have been amended to recite an act of (or means for) controlling the serving of the ad, for rendering on a client device, using the determined score of the ad. (These amendments are supported, for example, by page 7, line 17, through page 11, line 30, and in particular, page 9, lines 7-11 of the specification.) As amended, these claims clearly recite a concrete, useful

and tangible result. That is, controlling the serving of ads for rendering on a client device.

Also, independent claims 1, 11, 13, 15, 25 and 27, as amended, recite that the accepted geolocation information associated with the request **is compared** with geolocation targeting information associated with the ad **to generate a comparison result**. As such, these claims explicitly recite a "concrete limitation" stating that a "comparison result" is generated.

Further, dependant claims 7 and 21 have been amended to recite an act of (or means for) determining a score (which is used to control the serving of the ad) using general price information of an ad if it is not determined that the ad has geolocation price corresponding to accepted geolocation information associated with a request.

Furthermore, claims 15-28 are directed to apparatus including physical means-plus-function elements.

In view of the foregoing, each of the independent claims, and therefore each of the pending claims, recites statutory subject matter. Therefore, the applicants respectfully request that the Examiner reconsider and withdraw this ground of rejection.

**Rejections under 35 U.S.C. § 112**

Claims 1-28 stand rejected under 35 U.S.C. § 112, second paragraph, as being incomplete for omitting essential elements, such omission amounting to a gap between the elements. The applicants respectfully request that the Examiner reconsider and withdraw this ground of rejection in view of the following.

The Examiner contends that claims omit (1) "a display of results to an end user" and (2) "an operational procedure for the alternative limitation "if" it is not determined that an ad does not have a geolocation price information." (See Paper No. 20070521, page 7.)

First, MPEP § 2172.01 states:

essential matter may include missing elements, steps or necessary structural cooperative relationships of elements ***described by the applicant(s) as necessary to practice the invention.***  
[Emphasis added.]

Nothing in the present application describes that the ***display*** of the results to an end user is an element or step necessary to practice the invention. Thus the display of the results should not be considered an essential element which was omitted.

Next, as discussed above, dependant claims 7 and 21 have been amended to recite an act of (or means for) determining a score (which is used to control the serving of the ad) using general price information of the ad if it is not determined that the ad has geolocation price corresponding to accepted geolocation information associated with a request.

In view of the foregoing, claims 1, 7, 11, 13, 15, 21, 25 and 27 do not omit any essential matter and these claims comply with 35 U.S.C. § 112, second paragraph. Dependent claims 2-6, 8-10, 12, 14, 16-20, 22-24, 26 and 28 depend from at least one of claims 1, 7, 11, 13, 15, 21, 25 and 27, either directly or indirectly. Since claims 2-6, 8-10, 12, 14, 16-20, 22-24, 26 and 28 are rejected solely due to their dependence from a rejected

claim, these claims similarly comply with 35 U.S.C. § 112, second paragraph. Therefore, the applicants respectfully request that the Examiner reconsider and withdraw this ground of rejection.

**Rejections under 35 U.S.C. § 102**

Claims 1-4, 11-18 and 25-28 stand rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 5,754,939 ("the Herz patent"). The applicants respectfully request that the Examiner reconsider and withdraw this ground of rejection in view of the following.

***Claims 1-4 and 15-18***

Independent claims 1 and 15 are not properly rejected as being anticipated by the Herz patent because the cited teachings of the Herz patent do not teach determining the relevance of an advertisement for a given request (e.g., from a given user) using geolocation information. The Examiner cites column 10, lines 61-67 and column 11, lines 1-67 of the Herz patent as teaching this feature. (See Paper No. 20070521, pages 8 and 9.) The applicants respectfully disagree.

The Herz patent concerns matching target objects (e.g., articles) with users. (See, e.g., column 55, line 41, et seq.) Specifically, the Herz patent uses information in a "target profile" for the target object and information in a "target profile interest summaries" for the user for this purpose. (See, e.g., the Abstract.) The "target profile" may include attributes of the target object (See, e.g., column 4, lines 51-53.)

The "target profile interest summaries" is a summary of digital profiles of target objects that the user likes and/or dislikes. (See, e.g., column 4, lines 55-58.)

Column 10, lines 61-67 of the Herz patent pertains to numeric, textual and associative types of attributes. Although column 11, lines 1-67 of the Herz patent discusses an example where an **advertiser** is a **user**, and the **target objects** are **potential customers**, in which the target objects might store geolocation information, such as a zip code for example, this example concerns determining potential users (customers) for a given advertiser, not determining a potential advertisement for a given request (e.g., from a given user) and controlling the serving of the advertisement accordingly.

In view of the foregoing, independent claims 1 and 15 are not properly rejected as being anticipated by the Herz patent. Since claims 2-4 and 16-18 depend from claims 1 and 15, respectively, these claims are similarly not anticipated by the Herz patent.

Further with respect to dependent claims 4 and 18, the Herz patent does not teach geolocation targeting information corresponding to a circular area having a radius about a specified geographic reference point as recited in the claimed invention. The Examiner cites paragraph column 10, lines 61-67 and column 11, lines 1-67 of the Herz patent as teaching this feature. The applicants respectfully disagree.

As discussed above, column 11, lines 1-67 of the Herz patent discusses an example in which the target objects might store geolocation information such as a zip code. However, a zip code does not correspond to a circular area having a radius about a specified

geographic reference point. Furthermore, as discussed above, the claimed geolocation targeting information is associated with an ad, while the geolocation information of the target objects in the cited paragraph in the Herz system are associated with potential customers. Thus, dependent claims 4 and 18 are not properly rejected as being anticipated by the Herz patent for at least these additional reasons.

**Claims 11-14 and 25-28**

Independent claims 11, 13, 25 and 27 are not properly rejected as being anticipated by the Herz patent because the cited teachings of the Herz patent do not teach determining the score of an advertisement for a given request (e.g., from a given user) using geolocation information. The Examiner cites column 10, lines 61-67, column 11, lines 1-67, column 21, lines 44-57, and column 17, line 50 through column 18, line 18 of the Herz patent as teaching this feature. (See Paper No. 20070521, pages 9 and 10.) The applicants respectfully disagree.

As discussed above, column 10, lines 61-67 of the Herz patent pertains to numeric, textual and associative types of attributes. Although column 11, lines 1-67 of the Herz patent discuss an example where an **advertiser** is a **user**, and the **target objects** are **potential customers**, in which the target objects might store geolocation information, such as a zip code for example, this example concerns determining potential users (customers) for a given advertiser, not determining a potential advertisement for a given request (e.g., from a given user).

Furthermore, the weight set by the user or administrator in column 21, lines 44-57 of the Herz patent is not determined using geolocation information. The weight set in the Herz patent is assigned to an attribute by a user or administrator indicating the importance the user places on the specific attribute. Thus, the weight set in the Herz patent is not a score of an ad **determined using a comparison of geolocation information associated with a request with geolocation targeting information associated with an ad.**

Finally, the points and scores discussed in column 17, line 50 through column 18, line 18 of the Herz patent are not determined using geolocation information. The points and scores discussed in this section of the Herz patent pertain to feedback scores assigned to the target object based on particular actions by the user (e.g., time spent viewing a page, number of pages viewed, etc.). A feedback score based on user actions as described in the Herz patent is not a score of an ad **determined using a comparison of geolocation information associated with a request with geolocation targeting information associated with an ad.**

In view of the foregoing, independent claims 11, 13, 25 and 27 are not properly rejected as being anticipated by the Herz patent. Since claims 12, 14, 26 and 28 depend from claims 11, 13, 25 and 27, respectively, these claims are similarly not anticipated by the Herz patent.

### Conclusion

In view of the foregoing amendments and remarks, the applicants respectfully submit that the pending claims




are in condition for allowance. Accordingly, the applicants request that the Examiner pass this application to issue.

Any arguments made in this amendment pertain **only** to the specific aspects of the invention **claimed**. Any claim amendments or cancellations, and any arguments, are made **without prejudice to, or disclaimer of**, the applicants' right to seek patent protection of any unclaimed (e.g., narrower, broader, different) subject matter, such as by way of a continuation or divisional patent application for example.

Respectfully submitted,

September 24, 2007

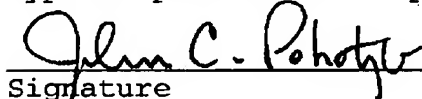
  
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September 24, 2007

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